## PROPOSED STORMWATER QUALITY STANDARDS

**Basic standards -- all projects** (Maine Construction General Permit basic standards with minor updating, plus long-term maintenance/inspection for most projects).

- Erosion and sedimentation control
- Maintenance and inspection
- Housekeeping

**Additional standards in most at risk and sensitive/threatened areas**

- Overall. Replace the existing "TSS" approach with a "Low", "Medium", "High" treatment approach emphasizing BMP solutions, but related back to a TSS and P removal table for consistency. Increase flexibility of solutions to site-specific problems by increasing allowable types of off-site off-sets, and by providing for a compensation fee in certain circumstances. Create a simple system for interchanging and combining off-sets and compensation fee options.
- Change what types of thresholds trigger the application of quality standards. Use a " one acre disturbed area" threshold to trigger basic standards, and "impervious area" and "developed area" thresholds for quality standards that focus more on long-term discharges (do the same for quantity standards).

- Lakes. Substitute "High" treatment for the existing 80% TSS standard.
- Wetlands. Substitute "Medium" treatment for the existing sliding scale TSS standard.
- Groundwater. Adopt license by rule standards that could be used instead of obtaining an individual waste discharge license, where stormwater infiltration is proposed.

- Streams. Replace the narrowly applied existing sliding scale TSS standard with the Low/Medium/High treatment approach, correlated to the size of the project and the sensitivity of the waterbody. Standards would range from "basic" in watersheds not designated as "most at risk" or "sensitive or threatened" to "high + compensation fee or credit" for larger projects in impaired watersheds.

| \Stormwater Treatment Level | Removal Level | |
|---|---|---|
| | TSS | Phosphorus |
| Low Standard | 60% - 70% | 30% - 40% |
| Medium Standard | 70% - 80% | 40% - 60% |
| High Standard | 80% - 90% | 60% - 70% |

| RIVER, STREAM OR BROOK: Required Stormwater Quality Control by Project Size and Location | | | |
|---|---|---|---|
| | 20,000 square feet to 1 acre impervious | 1 - 3 acres impervious; or 5 – 20 acres developed area | = 3 acres impervious; or = 20 acres developed area |
| Most at Risk and Impaired | Medium | High or Medium + Comp/Credit. | High + Comp/Credit |
| Most at Risk and Not Impaired | Low | Medium | High |
| Sensitive or Threatened | Basic (Sec. 2-A) | Low | Medium except High if includes = 10 acres impervious. |
| All Other | Basic (Sec. 2-A) | Basic (Sec. 2-A) | Medium |
| IN ADDITION, if a coldwater fishery | BMPs must be designed to avoid an unreasonable impact on the fishery. | | |

## PROPOSED QUANTITY STANDARDS

Quantity standards would be required for projects including one acre of impervious area or 5 acres of developed area[1]. Projects with 20K to 1 ac. impervious (in most at risk watershed), and less than 5 acres disturbed are expected to qualify for permit by rule, and would be required to meet the basic standards. Significant points (not all standards listed) --

### Exceptions

These exceptions are very similar to ones in the current rule.

- Discharges to ocean, great pond, or major river segment.
- Insignificant increases.

### Standards

- Flooding. Applies if 3 acres or more of impervious area or 20 acres or more of developed area.

- Channel protection. Applies to all projects (one acre impervious or 5 acres developed area). The channel protection standard may be met using one or more specified methods: detention, filter, infiltration, or buffer (potential buffer standard still under study).

- Wetlands. Codify a quantity standard for discharges to wetlands.

- Level-lip spreaders. Improve the level-lip spreader standard.

**Note concerning related statutory changes:** These amended standards assume three statutory changes: (a) that the threshold in the stormwater law is 1 acre disturbed (consistent with the federal threshold for construction); (b) that quality standards (ex. erosion and sedimentation control) may be required for all locations, not just most at risk/sensitive threatened areas; and (c) that "license by rule" standards under 413 may be specified for infiltration (proposed amendment to allow this is in the current DEP omnibus proposal for this session). Other statutory changes may still being considered.

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[1] "Developed area" means the total area of "disturbed area" and "impervious area" combined, except that it does not include areas that are returned to a condition with the same drainage patterns and vegetative cover type that existed prior to the disturbance. Both planting conducted to restore the previous cover type and restoration of any altered drainage patterns must occur within one year of disturbance. "Same cover type" may include hydrologically improved cover type. For example, an area that was previously pasture may be replanted as forest. *[excerpt from definitions sectio*n]

*The "disturbed area definition is amended as follows:* "Disturbed area" means: All land areas that are stripped, graded, or grubbed at any time during the site preparation for, or construction of, a project. ~~unless the areas are returned to a condition with the same drainage patterns and vegetative cover type that existed prior to the disturbance. Both planting conducted to restore the previous cover type and restoration of any altered drainage patterns must occur within one year of disturbance~~.
~~"Same cover type" may include hydrologically improved cover type. For example, an area that was previously pasture may be replanted as forest.~~
"Disturbed area" does not include maintenance ~~or redevelopment~~ of an impervious area within the footprint of that impervious area, but does include new impervious areas. A natural ~~or man-made waterbody~~ is not considered a disturbed area.